

DISTRICT OF COLUMBIA
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ALCOHOLIC BEVERAGE CONTROL BOARD
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MEETING

IN THE MATTER OF:

A.B.R.A Agenda

Agenda
Hearing

April 23, 2014

The Alcoholic Beverage Control Board met in the Alcoholic Beverage Control Hearing Room, Reeves Building, 2000 14th Street, N.W., Suite 400S, Washington, D.C. 20009, Chairperson Ruthanne Miller, presiding.

PRESENT:

RUTHANNE MILLER, Chairperson
NICK ALBERTI, Member
DONALD BROOKS, Member
HERMAN JONES, Member
HECTOR RODRIGUEZ, Member
JAMES SHORT, Member

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P-R-O-C-E-E-D-I-N-G-S

(6:00 p.m.)

CHAIRPERSON MILLER: Okay. All right. The Board is back on the record to do its agendas for today. What? You can't hear me? Can you hear me now? Okay.

So we are back on the record to do our agendas for today. I'm going to start with the Licensing Agenda.

The first item on the Licensing Agenda is an application for a license class change from Retailer C Restaurant to Retailer C Tavern. And the only issue with this case is that there is a settlement agreement that restricts the applicant from changing its class. It may be interpreted that way.

It says "The applicant shall operate a bona fide restaurant on its premises and consistent therewith shall keep its kitchen open until two hours before closing."

And however, if this is a restriction, if it's interpreted that way, it

1 is overruled by the Omnibus Alcoholic Beverage
2 Regulation Amendment Act of 2012, which says
3 that you can't put prohibitions against an
4 applicant or existing licensee for applying
5 for a class change.

6 So therefore, I would recommend
7 that we go ahead and placard this application.
8 Do I have a second?

9 MEMBER ALBERTI: Madam Chair?

10 CHAIRPERSON MILLER: Yes?

11 MEMBER ALBERTI: Madam Chair, just
12 for clarity.

13 CHAIRPERSON MILLER: Yes?

14 MEMBER ALBERTI: This is an old
15 settlement agreement, so the Omnibus --

16 CHAIRPERSON MILLER: Yes.

17 MEMBER ALBERTI: -- Bill does not
18 apply --

19 CHAIRPERSON MILLER: Before the
20 Act --

21 MEMBER ALBERTI: -- to this one.

22 But nonetheless, the language of this

1 settlement agreement does not restrict this
2 change.

3 CHAIRPERSON MILLER: I don't think
4 that's true that it doesn't apply.

5 MEMBER ALBERTI: Well, I --

6 CHAIRPERSON MILLER: The law
7 says --

8 MEMBER ALBERTI: -- will tell you,
9 you can't apply the Omnibus Bill to this,
10 because this settlement agreement was in place
11 before the Omnibus Bill and you can't
12 retroactively apply that statute to this
13 settlement agreement. So --

14 CHAIRPERSON MILLER: Well --

15 MEMBER ALBERTI: -- if you
16 interpret the settlement agreement that way,
17 then you can't move forward.

18 I, however, as a Board Member --

19 CHAIRPERSON MILLER: yes?

20 MEMBER ALBERTI: -- my
21 interpretation of the settlement agreement is
22 that it does not restrict the class change.

1 CHAIRPERSON MILLER: Okay. Well,
2 I also see in the settlement agreement -- I
3 mean, I also understand the letter from the
4 applicant attorney that they still plan on
5 closing two hours ahead like a restaurant,
6 close anyway.

7 MEMBER ALBERTI: But that doesn't
8 preclude -- I don't want you to -- I mean, I
9 don't want us to get into trouble by having an
10 incorrect statement in the record that we are
11 basing it on a law that cannot apply.

12 CHAIRPERSON MILLER: Well, do you
13 have any reason -- you have a reason for not--

14 MEMBER ALBERTI: My reason is that
15 the settlement agreement does -- the language
16 in the settlement agreement, we discussed
17 this, does not restrict the license change.

18 CHAIRPERSON MILLER: It can be
19 interpreted that way. Yes, I --

20 MEMBER ALBERTI: That's the way I
21 interpret it. And I get to interpret it -- as
22 a Board Member, I get to interpret it.

1 CHAIRPERSON MILLER: That's fine.
2 I don't disagree that it can be interpreted
3 that way. So I have made a motion to placard.
4 Does anybody -- well, we'll go ahead and take
5 a vote on that. Do I have a second?

6 MEMBER ALBERTI: I'll second it.

7 CHAIRPERSON MILLER: Okay. Mr.
8 Alberti has seconded the motion. Any other
9 comments? Okay. Then the motion is to
10 placard.

11 All those in favor say aye.

12 MEMBER RODRIGUEZ: Aye.

13 CHAIRPERSON MILLER: Aye.

14 MEMBER ALBERTI: Aye.

15 MEMBER SHORT: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed? All those abstaining?

18 MEMBER JONES: Abstain.

19 CHAIRPERSON MILLER: Okay. The
20 motion passes 4-0-1, with Mr. Jones
21 abstaining.

22 Okay. No. 2 is an application for

1 a license class change from Retailer B to
2 Retailer A and this is for Night N Day 24 Hour
3 Convenience Store, 5206 Benning Road, N.E.,
4 License No. 081343. And there is no
5 settlement agreement in this case.

6 I move that we placard this
7 application.

8 MEMBER SHORT: Second.

9 CHAIRPERSON MILLER: Mr. Short has
10 seconded the motion. Any other comments?

11 All those in favor then of the
12 motion to placard say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0.

17 No. 3 is an application for a new
18 Retailer B Grocery license and that's for Aldi
19 located at 901 17th Street, N.E., License No.
20 094098.

21 I move that we continue this
22 consideration for one week. Do I have a

1 second?

2 MEMBER SHORT: Second.

3 CHAIRPERSON MILLER: Mr. Short has
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 4-0-0.

10 No. 4 is a change of hours
11 application for Manufacturer B hours of
12 operation, sales and tasting permit and this
13 is for Chocolate City Beer located at 2801 8th
14 Street, N.E., License No. 085708, and this is
15 to enable them to operate in new legal hours.

16 And I move that we approve this
17 application. Do I have a second?

18 MEMBER RODRIGUEZ: Second.

19 CHAIRPERSON MILLER: Mr. Rodriguez
20 has seconded the motion. Any comments?

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No. 5 is an application for new
5 Retailer C Multipurpose License with
6 entertainment endorsement and summer garden.
7 This is for Gallery O on H Street located at
8 1354-1356 H Street, N.E., Retailer CX, License
9 No. 094849.

10 I move that we placard this
11 application. Do I have a second?

12 MEMBER SHORT: Second.

13 CHAIRPERSON MILLER: Mr. Short has
14 seconded the motion.

15 All those in favor say aye.

16 MEMBER ALBERTI: Madam Chair, I'm
17 going to --

18 CHAIRPERSON MILLER: Yes?

19 MEMBER ALBERTI: -- recuse myself
20 from this decision.

21 CHAIRPERSON MILLER: Okay.

22 MEMBER ALBERTI: Just to be on the

1 safe side, because this is in my ANC and I'm
2 not sure what action the ANC will take --

3 CHAIRPERSON MILLER: Okay.

4 MEMBER ALBERTI: -- with respect
5 to the application.

6 CHAIRPERSON MILLER: Okay. Thank
7 you. All right. Then there is a motion that
8 has been seconded to placard.

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? So I'm going
13 to say it's 4-0-0 and Alberti recuses himself.
14 Okay.

15 No. 6 is a change of hours
16 application for a Retailer C Restaurant which
17 is Das Ethiopian Restaurant and it's changing
18 its closing hours from 11:00 a.m. to 2:00
19 a.m., Sunday through Saturday.

20 So I move that we placard this
21 one. Do I have a second?

22 MEMBER ALBERTI: Second. And I do

1 that on the basis of the fact that this would
2 also apply, these extended hours would also
3 apply to outdoor space.

4 CHAIRPERSON MILLER: Right.

5 MEMBER ALBERTI: So it's on that
6 basis --

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: -- that I vote to
9 placard.

10 CHAIRPERSON MILLER: Thank you.

11 All right. Okay. There is a motion to
12 placard that has been seconded.

13 All those in favor say aye.

14 ALL: Aye.

15 CHAIRPERSON MILLER: All those
16 opposed? All those abstaining? The motion
17 passes 5-0-0.

18 No. 7 is an application for a new
19 summer garden and entertainment endorsement.

20 This is for Big Chair Coffee & Grill located
21 at 2122 Martin Luther King, Jr. Avenue, S.E.,
22 License No. 085903.

1 I move that we placard this
2 application. Do I have a second?

3 MEMBER ALBERTI: Second.

4 CHAIRPERSON MILLER: Mr. Alberti
5 has seconded the motion.

6 All those in favor say aye.

7 ALL: Aye.

8 CHAIRPERSON MILLER: All those
9 opposed? All those abstaining? The motion
10 passes 5-0-0.

11 No. 8 is an application request
12 for change of hours of operation, sales and
13 consumption and a summer garden. And this is
14 for The District Fishwife located at 1309 5th
15 Street, N.E., License No. 093203.

16 I move that we placard this
17 application. Do I --

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No. 9 is an application for a
5 manager's license for Anthony Hollis, ABRA-
6 094873.

7 I move that we deny this
8 application. Do I have a second?

9 MEMBER SHORT: Second.

10 CHAIRPERSON MILLER: Mr. Short has
11 seconded the motion.

12 All those in favor say aye.

13 MEMBER SHORT: Aye.

14 CHAIRPERSON MILLER: Aye.

15 MEMBER RODRIGUEZ: Aye.

16 CHAIRPERSON MILLER: All those
17 opposed?

18 MEMBER ALBERTI: Opposed.

19 CHAIRPERSON MILLER: All those
20 abstaining? The motion passes --

21 MEMBER ALBERTI: It was -- the
22 motion was to deny the application.

1 CHAIRPERSON MILLER: It was. So
2 it's 4-1-0.

3 MEMBER ALBERTI: You can --

4 CHAIRPERSON MILLER: I'm sorry,
5 Mr. Jones, how did you vote?

6 MEMBER JONES: I apologize. I
7 would like to change my vote to deny. I mean
8 deny, yes, to deny.

9 CHAIRPERSON MILLER: I have --

10 MEMBER ALBERTI: You want to deny
11 the application or approve the application?

12 MEMBER JONES: He --

13 MEMBER ALBERTI: The motion was to
14 deny the application. I opposed the denial.

15 MEMBER JONES: I'm opposing the
16 motion.

17 MEMBER ALBERTI: Okay.

18 CHAIRPERSON MILLER: Okay.

19 MEMBER JONES: Sorry.

20 CHAIRPERSON MILLER: So then it is
21 3-2-0 to deny.

22 MEMBER JONES: I apologize for

1 that. Thank you.

2 CHAIRPERSON MILLER: That's okay.

3 All right.

4 MEMBER ALBERTI: I will just state
5 that --

6 CHAIRPERSON MILLER: Wait. Wait.

7 Can I just caution you, because this is --

8 these kind of applications, I think, are

9 something we are supposed to discuss in --

10 MEMBER ALBERTI: Well, absolutely.

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: Absolutely. I

13 wasn't going to say anything that would reveal

14 any personal knowledge of --

15 CHAIRPERSON MILLER: Personal

16 knowledge. Okay.

17 MEMBER ALBERTI: -- I mean

18 personal information. I was just going to say

19 that --

20 CHAIRPERSON MILLER: Okay.

21 MEMBER ALBERTI: -- my wish would

22 have been to bring this in for a Fact-Finding.

1 CHAIRPERSON MILLER: Okay.

2 No. 10 is an application for a
3 manager's license for Dariush N. Davari, ABRA-
4 094890.

5 I move to approve this
6 application. Do I have a second?

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Alberti seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 Okay. I believe that concludes
16 the Licensing Agenda. Then we have a
17 Supplemental Agenda, Supplemental Licensing
18 Agenda.

19 No. 1 on the Supplemental
20 Licensing Agenda is a request for a stipulated
21 license with ANC Letter of Support. That's
22 ANC-2C. The establishment is Shophouse

1 Southeast Asian Kitchen located at 710 --

2 MEMBER JONES: I don't have that.

3 CHAIRPERSON MILLER: You don't
4 have that? Oh, you don't have a supplemental?
5 Okay. Do you have a copy now?

6 MEMBER ALBERTI: He does.

7 CHAIRPERSON MILLER: Okay.

8 Shophouse Southeast Asian Kitchen is located
9 at 710 7th Street, N.W., License No. 094407.

10 I move that we approve the
11 stipulated license. Do I have a second?

12 MEMBER RODRIGUEZ: Second.

13 CHAIRPERSON MILLER: Mr. Rodriguez
14 has seconded the motion.

15 All those in favor say aye.

16 ALL: Aye.

17 CHAIRPERSON MILLER: All those
18 opposed? All those abstaining? The motion
19 passes 5-0-0.

20 No. 2 is a request from a new
21 retailer to issue limited license for purchase
22 and store of alcohol and to train employees.

1 This is in ANC-6E. It's for the Marriott
2 Marquis located at 901 Massachusetts Avenue,
3 N.W., License No. 093961.

4 And I move that we approve this
5 request. Do I have a second?

6 MEMBER ALBERTI: Second.

7 CHAIRPERSON MILLER: Mr. Alberti
8 has seconded the motion. Any comments?

9 All those in favor say aye.

10 ALL: Aye.

11 CHAIRPERSON MILLER: All those
12 opposed? All those abstaining? The motion
13 passes 5-0-0.

14 No. 3 is a letter from Stephen
15 O'Brien with an application for safekeeping
16 with respect to The District located at 2473
17 18th Street, N.W., License No. 092742.

18 I move that we deny this request.
19 Do I have a second?

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The motion
5 passes 5-0-0.

6 Okay. That is the Licensing
7 Agenda. Now, we will now turn to the Legal
8 Agenda.

9 The first item on the Legal Agenda
10 is a Motion to Dismiss Protest dated April 2,
11 2014 from Emanuel Mpras, counsel for Pulse
12 Nightclub. Pulse Nightclub is located at 2142
13 Queen Chapel Road, N.W., License No. 82005.

14 I move that we grant it in part
15 and deny in part. I move that we grant the
16 dismissal of the ANC, but not the group of
17 five and, therefore, recognize that the group
18 of five has standing, but not the ANC.

19 MEMBER RODRIGUEZ: Second.

20 CHAIRPERSON MILLER: Mr. Rodriguez
21 has seconded the motion.

22 All those in favor say aye.

1 ALL: Aye.

2 CHAIRPERSON MILLER: All those
3 opposed? All those abstaining? The motion
4 passes 5-0-0.

5 No. 2 is a letter dated March 21,
6 2014 from Emanuel Mpras, counsel for Pulse
7 Nightclub. Pulse Nightclub is located at 2142
8 Queen Chapel Road, N.W., License No. 82005.

9 MEMBER ALBERTI: May I make a
10 motion on this?

11 CHAIRPERSON MILLER: Okay.

12 MEMBER ALBERTI: Do you have it?

13 CHAIRPERSON MILLER: Yeah. I just
14 wanted to identify it. In his letter, he
15 asked that the geographic area of locality be
16 used in any determinations regarding the
17 liquor license for Pulse Nightclub, LLC. And
18 I would move that we deny this request,
19 because it doesn't provide any reasons why we
20 should deviate from our default or normal
21 standard, which is to use a section for such
22 determination, which is a 1,200 foot radius.

1 Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Okay. Any
4 comments that you want to add on that?
5 Anyone? Okay. Then there is a motion to
6 deny.

7 All those in favor of the motion
8 to deny say aye.

9 ALL: Aye.

10 CHAIRPERSON MILLER: All those
11 opposed? All those abstaining? The motion
12 passes 5-0-0.

13 No. 3 is a letter of support dated
14 April 7, 2014 from Councilmember Marion Barry
15 in support of the NMD Group, LLC. The
16 establishment is Uniontown Bar and Grill
17 located at 2200 Martin Luther King Avenue,
18 S.E., License No. 84348.

19 This is an FYI, because there is
20 no pending application, so no action is
21 required.

22 MEMBER ALBERTI: Just --

1 CHAIRPERSON MILLER: Yes?

2 MEMBER ALBERTI: -- for the
3 correct record, I think Councilmember Barry
4 has referenced the wrong -- a former name for
5 this establishment.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: And the current
8 name is Cedar Hill and Grill. So --

9 CHAIRPERSON MILLER: Thank you.

10 MEMBER ALBERTI: -- it's clear
11 what -- the establishment he is referring to,
12 but I just want to have in the record that the
13 correct name is Cedar Hill and Grill.

14 CHAIRPERSON MILLER: Thank you.

15 Okay.

16 No. 4 is a settlement agreement
17 dated April 9, 2014 between ANC-1A and Colony
18 Club. Colony Club is located at 3118 Georgia
19 Avenue, N.W., License No. 94321.

20 I would move that we approve this
21 settlement agreement with modifications to
22 Paragraph No. 10.

1 MEMBER ALBERTI: Second.

2 CHAIRPERSON MILLER: Okay. Mr.
3 Alberti has seconded the motion.

4 All those in favor say aye.

5 ALL: Aye.

6 CHAIRPERSON MILLER: All those
7 opposed? All those abstaining? The motion
8 passes 5-0-0.

9 No. 5 is a settlement agreement
10 dated March 15, 2014 between ANC-5D and
11 Peacock Liquors. Peacock Liquors is located
12 at 1625 New York Avenue, N.E., License No.
13 78305.

14 I move that we refer this to
15 legal. Do I have a second?

16 MEMBER SHORT: Second.

17 CHAIRPERSON MILLER: Mr. Short has
18 seconded the motion.

19 All those in favor say aye.

20 ALL: Aye.

21 CHAIRPERSON MILLER: All those
22 opposed? All those abstaining? The motion

1 passes 5-0-0.

2 No. 6 is a review of six requests
3 from E & J Gallo to provide retailers with
4 products valued at more than \$50 and less than
5 \$500.

6 I move that we approve.

7 MEMBER ALBERTI: Second.

8 CHAIRPERSON MILLER: Okay. Mr.
9 Alberti seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 I think that No. 7 shouldn't be on
16 the agenda.

17 MEMBER ALBERTI: No. 7 should not
18 be.

19 CHAIRPERSON MILLER: Right. Okay.
20 So we will pass that one by, so that's the
21 Legal Agenda. We have a Supplemental Legal
22 Agenda.

1 The first three items involve
2 Midtown protest. Midtown is located at 1219
3 Connecticut Avenue, N.W., License No. 72087.

4 And they are moot because we have
5 received a settlement agreement, so no action
6 is required.

7 No. 4 is a letter dated April 18,
8 2014 from Denis James, Kalorama Citizens
9 Association, protestant with respect to the
10 Rendezvous Lounge, which is located at 2226
11 18th Street, N.W., License No. 14272.

12 And I think he is reasserting
13 request for standing, which I move that we
14 approve. Do I have a second?

15 MEMBER RODRIGUEZ: Second.

16 CHAIRPERSON MILLER: Mr. Rodriguez
17 has seconded the motion.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 No. 5 is a letter of support dated
2 April 4, 2014 from Stanley Jackson, President
3 and CEO of Anacostia Economic Development
4 Corporation. This is with respect to Cedar
5 Hill and Grill, which we mentioned before,
6 located at 2200 Martin Luther King Avenue,
7 S.E., License No. 91887.

8 And again, this is an FYI. There
9 is no application pending.

10 No. 6 is a motion to impose an
11 automatic stay dated April 14, 2014 from Risa
12 Hirao, counsel for party of interest. The
13 establishment is NY NY Diva located at 2406
14 18th Street, N.W., License No. 92380.

15 I move that we approve. Do I have
16 a second?

17 MEMBER ALBERTI: I would rather
18 that we refer this one to legal. I think
19 there is still some question as to whether the
20 automatic stay is -- the licensee's counsel
21 argues that there is an automatic stay, based
22 on the bankruptcy. And I'm not -- it wasn't

1 clear to me from comments from our general
2 counsel that that's true and I want -- I would
3 like our general counsel to look further into
4 that.

5 CHAIRPERSON MILLER: Okay. I
6 didn't get a second yet, but can I get a
7 second and then we will discuss it under the
8 motion?

9 MEMBER ALBERTI: Sure, sure.

10 MEMBER RODRIGUEZ: I second.

11 CHAIRPERSON MILLER: Okay. So we
12 can take it off the agenda and postpone it if
13 one Board Member has a concern. My
14 understanding was we conferred with counsel
15 and for various reasons, we agreed --

16 MEMBER SHORT: Did we discuss
17 taking this and sending it back to legal?

18 CHAIRPERSON MILLER: No. I
19 thought that we had determined that there was
20 good reason for staying, that all the parties
21 wanted the stay and there wasn't any reason
22 not to.

1 MEMBER ALBERTI: Okay.

2 CHAIRPERSON MILLER: But --

3 MEMBER ALBERTI: Okay. I just --
4 I guess part of my confusion, Madam Chair, was
5 that there are two issues here. One is the
6 stay for administrative matters such as the
7 protest hearings, all right, which are more
8 administrative versus a stay for enforcement
9 actions.

10 CHAIRPERSON MILLER: Right. Okay.

11 MEMBER ALBERTI: So I would
12 approve this for matters such as the protest,
13 the pending protest, but deny it for any
14 upcoming enforcement, adjudication of
15 enforcement matters.

16 CHAIRPERSON MILLER: Okay. My
17 understanding is this only applies to the
18 protest.

19 MEMBER ALBERTI: Okay. I just
20 want to make sure it's clear on the record
21 that that's our understanding.

22 CHAIRPERSON MILLER: Okay. Okay.

1 Right. That's what we would be voting for.

2 MEMBER ALBERTI: Okay.

3 CHAIRPERSON MILLER: Definitely
4 not with respect to the pending Show Cause
5 actions.

6 MEMBER ALBERTI: Okay.

7 CHAIRPERSON MILLER: Okay.

8 MEMBER ALBERTI: With that, I'll
9 approve the motion.

10 CHAIRPERSON MILLER: Okay.

11 Then all those in favor of
12 approving the stay say aye.

13 ALL: Aye.

14 CHAIRPERSON MILLER: All those
15 opposed? All those abstaining? The motion
16 passes 5-0-0.

17 Okay. No. 7 is a request to
18 reschedule Protest Hearing dated April 18,
19 2014 from Commissioner Tony Goodman of ANC-6C.
20 This is with respect to Ibiza located at 1222
21 First Street, N.E., License No. 74456.

22 I move that we grant this request.

1 Do I have a second?

2 MEMBER ALBERTI: Second.

3 CHAIRPERSON MILLER: Mr. Alberti
4 seconded the motion.

5 All those in favor say aye.

6 ALL: Aye.

7 CHAIRPERSON MILLER: All those
8 opposed? All those abstaining? The motion
9 passes 5-0-0.

10 Okay. No. 8 is a request for a
11 favorable decision on Motion to Dismiss
12 Protest for lack of standing dated April 10,
13 2014 from Emanuel Mpras, counsel for Pulse
14 Nightclub located at 2142 Queens Chapel Road,
15 N.E., License No. 82005.

16 This is moot, because we already
17 here today ruled on the motion that this
18 relates to and as No. 1 of the Legal Agenda.

19 No. 9 is a letter dated April 11,
20 2014 from Ed Kaminski related to First Street
21 Fields located at 25 Potomac Avenue, S.E.,
22 License No. 94104.

1 And this is an FYI, which we will
2 take under consideration, as is No. 10, dated
3 April 14, 2014 from First District Commander
4 Jeff Brown of the Metropolitan Police
5 Department, again, related to the First Street
6 Fields, 25 Potomac Avenue, S.E., License No.
7 94104.

8 So this is an FYI, which we will
9 take under consideration.

10 No. 11 is a request for
11 reinstatement of protest dated April 15, 2014
12 from Barbara Clark, Chairperson of ANC-8A02.
13 It's related to Cedar Hill Bar and Grill
14 located at 2200 Martin Luther King Avenue,
15 S.E., 91887.

16 I would move that we grant
17 reinstatement. Do I have a second?

18 MEMBER ALBERTI: Second.

19 CHAIRPERSON MILLER: Mr. Alberti
20 seconded the motion.

21 All those in favor say aye.

22 ALL: Aye.

1 CHAIRPERSON MILLER: All those
2 opposed? All those abstaining? The motion
3 passes 5-0-0.

4 No. 12 is a settlement agreement
5 dated April 15, 2014 between ANC-5E, a group
6 of eight or more, Bloomingdale Civic
7 Association and Cornerstone Bar Group, LLC.
8 It is related to The Pub and People located at
9 1648 North Capitol Street, N.E., License No.
10 94089.

11 I move that we approve with
12 modification to Paragraph No. 11.

13 MEMBER SHORT: Second.

14 CHAIRPERSON MILLER: Mr. Short has
15 seconded the motion.

16 All those in favor say aye.

17 ALL: Aye.

18 CHAIRPERSON MILLER: All those
19 opposed? All those abstaining? The motion
20 passes 5-0-0.

21 No. 13 is a settlement agreement
22 dated April 9, 2014 between ANC-1A and Colony

1 Club, LLC.

2 We have already ruled on this. It
3 is No. 4 on the Legal Agenda, so no action is
4 required here.

5 No. 14 is a settlement agreement
6 dated April 14, 2014 between Shaw-Dupont
7 Citizens Alliance, Inc. and Good Essen-U
8 Street. It's related to Tico located at 1926
9 14th Street, N.W., License No. 93610.

10 I move that we approve with
11 modification. Do I have a second?

12 MEMBER ALBERTI: Second.
13 Modification to Item 3.

14 CHAIRPERSON MILLER: Which is it?

15 MEMBER ALBERTI: Item 3.

16 CHAIRPERSON MILLER: Item 3.

17 Thank you. Okay. Item 3.

18 All those in favor say aye.

19 ALL: Aye.

20 CHAIRPERSON MILLER: All those
21 opposed? All those abstaining? The motion
22 passes 5-0-0.

1 No. 15 is a request from
2 Washington Wholesale Liquor Company to provide
3 retailers with products valued at more than
4 \$50 and less than \$500.

5 I move that we approve this
6 request. Do I have a second?

7 MEMBER RODRIGUEZ: Second.

8 CHAIRPERSON MILLER: Mr. Rodriguez
9 seconded the motion.

10 All those in favor say aye.

11 ALL: Aye.

12 CHAIRPERSON MILLER: All those
13 opposed? All those abstaining? The motion
14 passes 5-0-0.

15 No. 16 is a request from E & J
16 Gallo to provide retailers with products
17 valued at more than \$50 and less than \$500.

18 I move that we approve this
19 request. Do I have a second?

20 MEMBER ALBERTI: Second.

21 CHAIRPERSON MILLER: Mr. Alberti
22 seconded the motion.

1 All those in favor say aye.

2 ALL: Aye.

3 CHAIRPERSON MILLER: All those
4 opposed? All those abstaining? The motion
5 passes 5-0-0.

6 Okay. Then we have a First
7 Supplemental Legal Agenda and all four items
8 on this agenda are related to No. 1, which is
9 a Motion to Re-Open the Protest Period dated
10 March 28, 2014 from Roderic Woodson, counsel
11 for Celia Limited Partnership, LLC.

12 The establishment is DC Eagle
13 located at 3701 Benning Road, N.E., License
14 No. 93984.

15 No. 2 is in opposition to that
16 motion by Risa Hirao, counsel for the
17 applicant.

18 No. 3 is an opposition to Celia's
19 Motion to Re-Open the Protest Period.

20 No. 4 is a review of a Sur-Reply
21 in Response to the Reply to applicant's
22 opposition to Motion to Re-Open the protest

1 period.

2 Okay. So in any event, with
3 respect to all four items, I move that we hold
4 a Fact-Finding Hearing.

5 MEMBER SHORT: Second.

6 CHAIRPERSON MILLER: Mr. Short has
7 seconded the motion.

8 All those in favor say aye.

9 MEMBER ALBERTI: I'm going to --
10 go ahead. I'll just speak when I vote.

11 CHAIRPERSON MILLER: Okay. All
12 those in favor say aye.

13 MEMBER RODRIGUEZ: Aye.

14 CHAIRPERSON MILLER: Aye.

15 MEMBER SHORT: Aye.

16 MEMBER ALBERTI: I'm going to
17 oppose this because the information that we
18 have is that a second establishment in the
19 same building placard -- posted its placards
20 in the same location as the establishment we
21 are talking about. And the abutting property
22 owner, who is the complainant and wants to re-

1 open this, protested the second application.

2 So if they saw the placards for
3 the second application, I would have to assume
4 that they had the opportunity to see the
5 placards for the first application.

6 CHAIRPERSON MILLER: Okay.

7 MEMBER ALBERTI: And based on
8 that, I would -- I will oppose having the
9 Fact-Finding. I would rather had -- I would
10 have rather denied the Motion to Re-Open
11 altogether.

12 CHAIRPERSON MILLER: Okay. No, I
13 thought I called a vote, but I don't know that
14 I heard it. So you are opposed.

15 MEMBER ALBERTI: I'm opposed,
16 yeah.

17 CHAIRPERSON MILLER: Anybody else
18 opposed? Everybody else say aye?

19 MEMBER RODRIGUEZ: Aye.

20 MEMBER SHORT: Aye.

21 CHAIRPERSON MILLER: Aye.

22 MEMBER JONES: No, I abstain.

1 CHAIRPERSON MILLER: Abstained.

2 Okay. So it's 3-1-1 with Alberti opposed and
3 Jones abstaining. Okay.

4 Okay. And our counsel will let
5 the parties -- coordinate with the parties
6 when that Fact-Finding will be.

7 Okay. So I believe that that
8 completes our agenda items for April 23, 2014.

9 And I'll just do the open meeting
10 votes.

11 As Chairperson of the Alcoholic
12 Beverage Control Board for the District of
13 Columbia and in accordance with Section 405 of
14 the Open Meetings Amendment Act of 2010, I
15 move that the ABC Board hold a closed meeting
16 on April 30, 2014 for the purpose of seeking
17 legal advice from our counsel on the matters
18 identified on the Board's Agenda for April 30,
19 2014 as published in the DC Register on April
20 23, 2014.

21 Is there a second?

22 MEMBER SHORT: Second.

1 CHAIRPERSON MILLER: I'll now take
2 a roll call vote on the motion before us now
3 that it has been seconded by Mr. Short.

4 Mr. Alberti?

5 MEMBER ALBERTI: I agree.

6 CHAIRPERSON MILLER: Mr.

7 Rodriguez?

8 MEMBER RODRIGUEZ: I agree.

9 CHAIRPERSON MILLER: Ms. Miller
10 agrees.

11 Mr. Short?

12 MEMBER SHORT: I agree.

13 CHAIRPERSON MILLER: Mr. Jones?

14 MEMBER JONES: I agree.

15 CHAIRPERSON MILLER: As it appears
16 that the motion has passed by a 5-0-0 vote, I
17 hereby give notice that the ABC Board will
18 hold this aforementioned closed meeting
19 pursuant to the Open Meetings Amendment Act of
20 2010. Notice will also be posted on the ABC
21 Board hearing room bulletin board, placed on
22 the electronic calendar on ABRA's website and

1 published in the DC Register in as timely a
2 manner as practicable.

3 As Chairperson of the Alcoholic
4 Beverage Control Board for the District of
5 Columbia and in accordance with Section 405 of
6 the Open Meetings Amendment Act of 2010, I
7 move that the ABC Board hold a closed meeting
8 on May 1, 2014 for the purpose of discussing
9 and hearing reports concerning ongoing or
10 planned investigations of alleged criminal or
11 civil misconduct or violations of law or
12 regulations and seeking legal advice from our
13 counsel on the Board's Investigative Agenda
14 for May 1, 2014 as published in the DC
15 Register.

16 Is there a second?

17 MEMBER ALBERTI: Second.

18 CHAIRPERSON MILLER: Mr. Alberti
19 seconded the motion. I'll now take a roll
20 call vote on the motion before us now that it
21 has been seconded.

22 Mr. Alberti?

1 MEMBER ALBERTI: I agree.

2 CHAIRPERSON MILLER: Mr.

3 Rodriguez?

4 MEMBER RODRIGUEZ: I agree.

5 CHAIRPERSON MILLER: Ms. Miller

6 agrees.

7 Mr. Short?

8 MEMBER SHORT: I agree.

9 CHAIRPERSON MILLER: Mr. Jones?

10 MEMBER JONES: I agree.

11 CHAIRPERSON MILLER: Okay. It

12 appears that the motion has passed by a 5-0-0

13 vote. I hereby give notice that the ABC Board

14 will hold this aforementioned closed meeting

15 pursuant to the Open Meetings Amendment Act of

16 2010. Notice will also be posted on the ABC

17 Board hearing room bulletin board, placed on

18 the electronic calendar on ABRA's website and

19 published in the DC Register in as timely a

20 manner as practicable.

21 Okay. So that concludes our

22 business for April 23rd and we will be meeting

1 next on May 1st, Thursday. And we can
2 adjourn. Thank you.

3 (Whereupon, the A.B.R.A. Agenda in
4 the above-entitled matter was concluded at
5 6:35 p.m.)

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